

1 UNITED STATES DISTRICT COURT  
2 EASTERN DISTRICT OF NEW YORK

3 UNITED STATES OF AMERICA,

4 versus

5 DARYAN WARNER,

6 Defendant.

13 CR 584(WFK)

U.S. Courthouse  
225 Cadman Plaza East  
Brooklyn, NY 11201  
October 18, 2013

7 TRANSCRIPT OF CRIMINAL CAUSE FOR GUILTY PLEA

8 BEFORE THE HONORABLE WILLIAM KUNTZ

9 UNITED STATES DISTRICT JUDGE

10 APPEARANCES

11 For the Government: LORETTA LYNCH  
12 UNITED STATES ATTORNEY  
13 EASTERN DISTRICT OF NEW YORK  
271 Cadman Plaza East  
Brooklyn, New York 11201  
14 BY: DARREN LAVERNE, ESQ.  
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Assistant United States Attorneys

15  
16 For the Defendant: BRAFMAN & ASSOCIATES, PC  
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BY: BENJAMIN BRAFMAN, ESQ.  
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20  
21 Court Reporter: LISA SCHMID, CCR, RMR  
Official Court Reporter  
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24 Proceedings recorded by mechanical stenography. Transcript  
25 produced by computer-aided transcription.

1 THE CLERK: All rise.

2 THE COURT: Call the case.

3 THE CLERK: We are here for a miscellaneous motion  
4 hearing, Docket Number 13 MC 863.

5 Counsel, will you please state your appearances for  
6 the record? Speak directly into the microphones and spell  
7 your names for the court reporter.

8 MR. LAVERNE: Good morning, Your Honor. Darren  
9 LaVerne for the United States with Evan Norris, as well.  
10 D-A-R-R-E-N, L-A-V-E-R-N-E. Evan Norris, E-V-A-N,  
11 N-O-R-R-I-S.

12 Good morning, Your Honor. Thank you for  
13 accommodating us today. Thank you and your staff.

14 THE COURT: I live to serve. Good morning. Please  
15 be seated.

16 MR. BRAFMAN: Good morning, Your Honor. Benjamin  
17 Brafman and Josh Kirschahner. It's B, as in "boy," R-A-F as  
18 in "Frank," M-A-N. Kirschahner is K-I-R-S-C-H-A-H-N-E-R, and  
19 we represent the defendant, John Doe, who is now present in  
20 the courtroom.

21 THE COURT: Yes. Thank you, counsel. You may be  
22 seated, as well.

23 Are there any other counsel who wish to state their  
24 appearance for the record?

25 (No response.)

1           THE COURT: All right. Ladies and gentlemen, we are  
2 here to conduct a public hearing on the motion of the United  
3 States for an order to close the courtroom during the unnamed  
4 defendant's guilty plea, and to use the name "John Doe" for  
5 the defendant's name on the docket sheet, court calendars and  
6 all documents not filed under seal, and to seal the transcript  
7 of, and exhibits to these proceedings, and any orders and/or  
8 minute entries associated with the proceeding. Notice of this  
9 motion was publically filed on the docket yesterday, more than  
10 24 hours ago, including the time and place of this hearing.

11           Now, I have in my possession certain documents which  
12 are relevant to this proceeding. The first is the  
13 Government's cover letter in connection with the motion to  
14 close the courtroom and to file documents under seal, which  
15 was publically filed on the docket October 17th, 2013. Cover  
16 letter indicates the hearing is being conducted in Courtroom  
17 6H North on October 18th, 2013, at 10 a. m. We started a  
18 little bit late, but we've started. The letter also indicates  
19 that the sealed motion to close the courtroom and the proposed  
20 closure order to provide to the defendant and defendant's  
21 counsel.

22           And I have marked the cover letter as Court Exhibit  
23 1 for identification, and of course, it is under seal. The  
24 second document is the Government's motion to close the  
25 courtroom and file documents under seal, dated October 17th,

1 2013. The motion was filed under seal. The motion was  
2 provided to the defendant and the defendant's counsel. I have  
3 marked it as Court Exhibit 2 for identification. It is and  
4 will remain under seal. And the third document is the  
5 Government's proposed order to close the courtroom and file  
6 documents under seal. I've marked the proposed order as Court  
7 Exhibit 3 for identification and of course, it is under seal.

8 The public and the press have a qualified First  
9 Amendment right of access to criminal proceedings; therefore,  
10 the power to close the courtroom during such proceedings is  
11 one to be very seldom exercised and even then only with the  
12 greatest of caution under urgent circumstances and for very  
13 clear and apparent reasons. Therefore, before determining  
14 whether the closure of the courtroom is warranted, this Court  
15 must make findings on the record in open court to demonstrate  
16 the need for the exclusion.

17 The first issue the Court must determine is whether  
18 there exists any quote, unquote, substantial probability of  
19 prejudice to a compelling interest of the defendant, the  
20 Government or third party which closure of the courtroom would  
21 prevent.

22 Secondly, where there is a substantial probability  
23 of prejudice to a compelling interest is found, the Court must  
24 consider whether reasonable alternatives to closure can  
25 adequately protect the compelling interest that would be

1 prejudiced by public access.

2 Thirdly, if such alternatives are inadequate to  
3 protect the compelling interest, the Court must determine  
4 whether the prejudice of the compelling interest overrides the  
5 qualified First Amendment right of access.

6 Fourth and finally, if the Court finds the closure  
7 is warranted, the Court must devise a closure order that  
8 protects the endangered interests and is narrowly tailored to  
9 that purpose.

10 With the these standards in mind, the Court will now  
11 hear from the parties and if anyone from the public who wishes  
12 to be heard.

13 MR. LAVERNE: Your Honor, first, the Government  
14 would confirm that it did, in fact, yesterday afternoon, file  
15 on the public docket notice of the proceeding here today,  
16 provided the time and place of the proceeding. I also spoke  
17 with the Court's deputy and ensured that a notice was  
18 published in the Court's calendar yesterday, reflecting the  
19 proceeding here this morning.

20 I think our reasons for sealing and closing the  
21 courtroom are set out at length in the sealed document that  
22 was filed with Your Honor. We will rest on those arguments in  
23 the papers and ask for closing and sealing on that basis.

24 THE COURT: Thank you.

25 I will hear from defense counsel.

1 MR. BRAFMAN: Your Honor, we agree.

2 THE COURT: You may remain seated, sir. Just use  
3 the microphone. Thank you.

4 MR. BRAFMAN: Your Honor, we agree that the  
5 proceeding should be sealed for the reasons set out in the  
6 documents filed by the Government, copies of which have been  
7 provided to us. We are joining in that motion. We think it's  
8 in the best interest of the defendant personally that these  
9 proceedings remain sealed at this time, and we waive his right  
10 to appear in a public courtroom.

11 THE COURT: Thank you, sir.

12 Are there any members of the public who wish to be  
13 heard with respect to this?

14 (No response.)

15 THE COURT: Hearing none, "Upon consideration of the  
16 joint motion of the United States of America and the  
17 defendant, John Doe, whose counsel filed under seal for an  
18 order to close the courtroom during the defendant's guilty  
19 plea, to use the name 'John Doe' as the defendant's name on  
20 the docket sheet, court calendars and all documents not filed  
21 under seal, and to seal the transcript of the proceeding, and  
22 any orders in connection with and minute entries associated  
23 with the proceeding and this order, having scheduled a public  
24 hearing on the motion and notified the public of the hearing  
25 by listing the date, the time, the location of the hearing on

1 the public docket and the Court's public calendar, and having  
2 held a public hearing on the motion in which the parties and  
3 any intervenors were provided the opportunity to be heard,  
4 based on the written submissions of the parties and their oral  
5 arguments made today, the Court makes the following findings:

6           One, there is a substantial probability that the use  
7 of the defendant's name on the docket sheet, court calendars  
8 and all documents not filed under seal in this matter would  
9 prejudice the compelling interest of the Government and the  
10 integrity of significant Government activities entitled to  
11 confidentiality, including ongoing investigations of serious  
12 crimes.

13           Two, there is a substantial probability that a  
14 public plea proceeding under the defendant's true name would  
15 prejudice the compelling interest of the Government and the  
16 integrity of significant Government activities entitled to  
17 confidentiality, including ongoing investigations of serious  
18 crimes.

19           Three, no reasonable alternatives to closure of this  
20 courtroom exists that can adequately protect the compelling  
21 interest that would be prejudiced by a public proceeding  
22 identified above.

23           And four, the prejudice to the compelling interest  
24 identified above overrides the public's and the media's  
25 qualified First Amendment right to access to the plea

1 proceeding.

2           Accordingly, pursuant to the authority of the *United*  
3 *States versus Alcantara*, 396 F 3d 189, Second Circuit, 2005;  
4 and *United States versus John Doe*, 63 F 3d 121, Second  
5 Circuit, 1995, this Court orders that the name "John Doe" be  
6 substituted for the defendant's name on the docket sheet, the  
7 Court's calendars and all documents not filed under seal in  
8 this matter, and that the case be captioned, '*United States*  
9 *versus John Doe.*'

10           It is further ordered that the motion to close the  
11 courtroom during plea proceeding and to seal the transcript of  
12 the proceeding, any orders in connection with, and minute  
13 entries associated with that proceeding and this order are  
14 hereby granted.

15           It is further ordered that the closure of the  
16 courtroom be tailored by requiring the Government with advance  
17 notice to the defendant to disclose the transcript as required  
18 by *Brady versus Maryland*, 373 US 83, 1963; *Giglio versus*  
19 *United States*, 405 US 150, 1972; 18 USC, Section 3500 and/or  
20 Rule 16, of the Federal Rules of Criminal Procedure.

21           It is further ordered that the closure of the  
22 courtroom be tailored by requiring the Government and the  
23 defendant to move this Court to unseal the transcript of the  
24 proceeding and any orders entered in connection with this  
25 proceeding, and to substitute the defendant's true name for



1 'John Doe' in the caption when the prejudice to the parties'  
2 interests no longer outweighs the public's qualified right to  
3 access.

4 And it is further ordered that the public docket  
5 will immediately be amended to reflect the occurrence of the  
6 hearing on the motion to close the courtroom, the disposition  
7 of the motion and the fact of the courtroom closure that is so  
8 ordered by this Court, dated Brooklyn, New York, October 18th,  
9 2013."

10 All right. The public is invited and directed to  
11 leave the courtroom, and the Court Security Officers are  
12 directed to seal the courtroom at this time.

13 (Public complies.)

14 THE CLERK: Judge, I'm going to notify the Marshal  
15 that you're ready.

16 THE COURT: Thank you.

17 THE CLERK: We are here for a criminal guilty plea,  
18 Docket Number 13 CR 584, USA versus John Doe.

19 Counsel, please state your appearances for the  
20 record.

21 MR. LAVERNE: Good morning, Your Honor. Darren  
22 LaVerne and Evan Norris for the United States. Also with us  
23 now at counsel table is Special Agent Gerald Randall of the  
24 FBI.

25 THE COURT: Good morning.

1 MR. BRAFMAN: Good morning, Your Honor. Benjamin  
2 Brafman and Joshua Kirschahner, for Daryan Warner, who is  
3 present in the courtroom. His last name is spelled  
4 W-A-R-N-E-R.

5 THE COURT: All right. And we will refer to him  
6 throughout as "Mr. John Doe." Is that acceptable?

7 MR. BRAFMAN: It is acceptable, even though it is a  
8 sealed proceeding -- but yes, it is acceptable.

9 THE COURT: Okay. It just tends to minimize  
10 potential problems down the road.

11 MR. BRAFMAN: Yes, sir.

12 THE COURT: Mr. Jackson, would you please swear the  
13 defendant?

14 THE CLERK: Yes, Your Honor.

15 (Defendant sworn.)

16 THE COURT: Please be seated, sir, and speak into  
17 the microphone.

18 We are going to refer to you for the reasons I'm  
19 sure your counsel has explained to you as "John Doe"  
20 throughout these proceedings. Is that acceptable, sir?

21 THE DEFENDANT: Yes, Your Honor.

22 THE COURT: Thank you.

23 Sir, how old are you?

24 THE DEFENDANT: Forty-five.

25 THE COURT: Would you briefly describe your

1 educational background, beginning with secondary school.

2 THE DEFENDANT: I did secondary school at Fatime  
3 College, in the West Indies.

4 THE COURT: Would you spell that for the reporter?

5 THE DEFENDANT: F-A-T-I-M-E, College, in the West  
6 Indies.

7 I did my first degree at the University of the West  
8 Indies in management. I did my masters at Howard University  
9 in Washington, D. C. I did post-grad work at the University  
10 of Queensland in Brisbane, Australia. I did some additional  
11 post-graduate courses at the University of South Korea in  
12 Seoul.

13 THE COURT: Would you briefly describe your  
14 employment history after you completed your graduate studies?

15 THE DEFENDANT: I worked for a little more than a  
16 year with USA Travel in Jersey City. I then worked at Hyundai  
17 Motors in Seoul, South Korea. I then went back to Trinidad  
18 and started a business, sir.

19 THE COURT: Have you taken any drugs, any medicine,  
20 any pills or consumed any alcoholic beverages in the past 24  
21 hours.

22 THE DEFENDANT: I consumed a couple of alcoholic  
23 beverages last night at about seven o'clock.

24 THE COURT: All right. Did that have any -- does  
25 that have any impact today, as you sit here today, on your

1 ability to think clearly?

2 THE DEFENDANT: Not at all, sir.

3 THE COURT: Do you understand what is happening here  
4 today, sir?

5 THE DEFENDANT: Yes, I do.

6 THE COURT: Do either defense counsel or prosecution  
7 have any doubt as to defendant's competence at this time?

8 MR. LAVERNE: Government has no question about it,  
9 Your Honor.

10 MR. BRAFMAN: None whatsoever, sir.

11 THE COURT: The Court hereby finds, based on the  
12 record of the defendant's representation and the  
13 representations of all counsel of record, that the defendant  
14 is competent to proceed.

15 Sir, I will now read the charges set forth in the  
16 Information.

17 Do we have a signed copy of the Information?

18 MR. LAVERNE: Yes, Your Honor.

19 THE COURT: Thank you.

20 MR. LAVERNE: I'm handing up to the Court the  
21 original signed copy of the Information. (Hanging.)

22 THE COURT: Thank you. We're going to mark that as  
23 Court Exhibit 5 for identification. At the end of this, I'm  
24 going to ask to have a motion to put all the exhibits in  
25 evidence, if there are no objections.

1 I'm going to start with the Information.

2 "The United States Attorney charges in the  
3 introduction to Counts 1 and 2, that at all times relevant to  
4 Counts 1 and 2 of this Information: One, the Fédération  
5 Internationale de Football Association (FIFA) was the  
6 international body governing organized soccer, commonly known  
7 outside the United States as 'football.'

8 FIFA was an entity registered under Swiss law and  
9 headquartered in Zurich, Switzerland. FIFA was composed of as  
10 many as 208 member associations, each representing organized  
11 soccer of a particular nation or territory, including the  
12 United States and four of its overseas territories: American  
13 Samoa, Guam, Puerto Rico and the United States Virgin Islands.

14 Two, the World Cup Soccer's premier event was a  
15 quadrennial international tournament organized by FIFA,  
16 involving the senior men's teams of 32 nations.

17 Three, in 2006, the World Cup was held in Germany,  
18 and in 2010, the next World Cup was held in South Africa.

19 Four, FIFA established rules governing, among other  
20 things, the sale and use of tickets to 2006 World Cup and the  
21 2010 World Cup. The FIFA Ticketing Office, FTO, was the  
22 official sales agent with respect to the distribution of  
23 tickets for the 2006 World Cup and the 2010 World Cup. The  
24 FTO was operated by an event-management company engaged by  
25 FIFA.

1           Five, from in or about and between 2005 and '11,  
2 both dates being approximate and inclusive, the defendant,  
3 together with others, participated in a scheme to obtain World  
4 Cup tickets from FIFA based on materially false and fraudulent  
5 pretenses, representations and promises, and to resell those  
6 tickets to others for a substantial profit.

7           2006 World Cup ticket scheme: 6, in advance of the  
8 2006 World Cup, the defendant, and Co-conspirator Number 1, a  
9 ticket broker based in Florida whose identity is known to the  
10 United States Attorney, agreed to be partners for the purpose  
11 of obtaining tickets to the 2006 World Cup and reselling them  
12 at a substantial mark-up.

13           The defendant's role in the scheme was to purchase  
14 tickets from the FTO. After purchasing the tickets, the  
15 defendant would sell them to the Co-conspirator Number 1, who  
16 in turn would sell them to, among others, travel agents, tour  
17 operators and other ticket brokers.

18           Seven, prior to 2006, the FTO had advised the  
19 defendant that it would not sell him tickets if the defendant  
20 intended to resell the tickets to or through Co-conspirator  
21 Number 1.

22           Eight, it was part of the scheme that the defendant  
23 attempted to purchase and did purchase tickets from the FTO.  
24 Because the defendant knew that the FTO would not sell the  
25 tickets to him for resale to Co-conspirator Number 1, the

1 defendant disguised and concealed his intention to resell the  
2 tickets to Co-conspirator Number 1. For example, on one  
3 occasion, when asked by a representative of the FTO if the  
4 defendant was working with Co-conspirator Number 1, the  
5 defendant lied and said he was not.

6 Nine, it was further part of the scheme that  
7 defendant sought to disguise and conceal his intention to  
8 resell tickets for the 2006 World Cup to Co-conspirator Number  
9 1 from an auditing firm that had been hired by FIFA to  
10 investigate irregularities in the resale of tickets to the  
11 2006 World Cup.

12 Ten, among other things, the defendant, together  
13 with Co-conspirator Number 1, agreed to provide and did  
14 provide to the FTO and to the auditing firm documents that  
15 falsely represented that the defendant intended to resell  
16 tickets to the 2006 World Cup directly to certain travel  
17 agencies and tour operators not associated with Co-conspirator  
18 Number 1.

19 Eleven, as a result of the scheme, the defendant and  
20 Co-conspirator Number 1 made a substantial profit from the  
21 sale of the 2006 World Cup tickets that the defendant procured  
22 from the FTO based on false pretenses.

23 2010 World Cup ticket scheme: 12, FIFA became aware  
24 that the defendant had resold 2006 World Cup tickets obtained  
25 from the FTO to Co-conspirator Number 1. As a result, the

1 defendant understood and believed that the FTO would not sell  
2 him tickets for the 2010 World Cup. Further, the defendant  
3 understood and believed that the FTO would not sell such  
4 tickets to any other individual if the FTO knew the tickets  
5 would later be provided to the defendant for resale.

6 Thirteen, nevertheless, the defendant continued his  
7 scheme with Co-conspirator Number 1 to obtain 2010 World Cup  
8 tickets and sell them at a substantial mark-up, as they did in  
9 2006.

10 Fourteen, it was part of the scheme that for the  
11 purpose of causing the FTO to provide the defendant with  
12 tickets that he could resell at substantial mark-up, the  
13 defendant asked two of his family member whose identities are  
14 known to the United States Attorney, defined as the 'Two  
15 Family Members,' to obtain tickets from the FTO on his behalf.  
16 The defendant understood and believed that his two family  
17 members, who at the time were FIFA officials entitled to  
18 purchase a certain allotment of tickets, obtained the tickets  
19 without disclosing to the FTO that they intended to provide  
20 the tickets to the defendant for resale.

21 Fifteen, after receiving the tickets from his Two  
22 Family Members, the defendant along with Co-conspirator Number  
23 1, resold the tickets at a substantial mark-up. The defendant  
24 and Co-conspirator Number 1 made a substantial profit from the  
25 sale of tickets to the 2010 World Cup.



1 Count 1, Wire Fraud Conspiracy, paragraph 16. The  
2 allegations contained in paragraphs one through 15 are  
3 re-alleged and re-incorporated as if set forth fully in this  
4 paragraph.

5 Seventeen, in or about and between 2005 and 2011,  
6 both dates being proximate and inclusive, within the Southern  
7 District of Florida and elsewhere, the defendant, together  
8 with others, did knowingly and intentionally conspire to  
9 devise a scheme and artifice to defraud FIFA, and to obtain  
10 money and property from FIFA by means of materially false and  
11 fraudulent pretenses, representations and promises, and for  
12 the purpose of executing such scheme and artifice did transmit  
13 and cause to be transmitted in interstate and foreign commerce  
14 writings, signs, signals, pictures and sounds to wit:

15 Interstate and international emails and wire transfers,  
16 contrary to Title 18, United States Code, Section 1343, citing  
17 Title 18, United States Code, Section 1349 and Section 3551,  
18 et sequentia.

19 Count 2: Money Laundering Conspiracy, paragraph  
20 eighteen. The allegations contained in paragraphs one through  
21 17 are re-alleged and incorporated as if fully set forth in  
22 this paragraph.

23 Nineteen, in or about and between 2005 and 2011,  
24 both dates being approximate and inclusive, within the  
25 Southern District of Florida and elsewhere, the defendant,

1 together with others, did knowingly and intentionally conspire  
2 to transport, transmit and transfer monetary instruments and  
3 funds, to wit: Wire transfers from a place in the United  
4 States to and through a place outside the United States, and  
5 to a place in the United States from and through a place  
6 outside the United States, with intent to promote the carrying  
7 on of specified unlawful activity, to wit: Wire Fraud,  
8 contrary to Title 18, United States Code, Section 1343, all  
9 contrary to Title 18, U. S. Code, Section 1956(a)(2)(A), Title  
10 18, U. S. Code, Sections 1956(h), and 3551, et sequentia.

11 Introduction to Count 3: At all times relevant to  
12 Count 3 of this Information, the currency reporting  
13 requirements provided as follows: Structuring and Currency  
14 Reporting Requirements. Transactions in currency were defined  
15 as transactions involving the physical transfer of money as  
16 defined in Title 31, Code of Federal Regulations, Section  
17 1010.100(bbb).

18 Paragraph 21. Domestic financial institutions were  
19 required to file a currency transaction report (FinCEN Form  
20 104, hereinafter referred to as a "CTR") with the United  
21 States Department of the Treasury for each transaction in  
22 currency, such as a deposit, withdrawal, exchange of currency  
23 or other payment or transfer by, through or to such financial  
24 institutions in excess of \$10,000, as required by Title 31,  
25 United States Code, Section 5313 and Title 31, Code of Federal

1 Regulations, Section 1010.311.

2 Paragraph 22, CTRs were filed on forms that  
3 required, among other things, the identity of the individual  
4 who conducted the transaction, (Part One of the CTR) and the  
5 individual or organization for whom the transaction was  
6 completed (Part Two of the CTR).

7 Paragraph 23, CTRs were required to be filed to  
8 assist the United States in criminal, tax and regulatory  
9 investigations and proceedings, as stated in Title 31, United  
10 States Code, Section 5311.

11 Twenty-four, Structuring. 'Structuring' a financial  
12 transaction, was defined in Title 31, Code of Federal  
13 Regulations, Section 1010.100(xx), as conducting or attempting  
14 to conduct one or more transactions in currency in any amount  
15 at one or more financial institutions on one or more days in  
16 any manner, for the purpose of evading the Currency Reporting  
17 Requirements including, without limitation, by breaking down a  
18 sum of currency exceeding \$10,000 into smaller sums, including  
19 sums at or below \$10,000, and conducting a currency  
20 transaction or a series of currency transactions at or below  
21 \$10,000.

22 Count 3, 'Structuring.' Paragraph 25. The  
23 allegations contained in paragraphs 20 through 24 are  
24 re-alleged and re-incorporated as if fully set forth in this  
25 paragraph.

1           Twenty-six, in or about and between July 2011 and  
2   December 2011, both dates being approximate and inclusive,  
3   within the Eastern District of New York and elsewhere, the  
4   defendant, together with others, for the purpose of evading  
5   the reporting requirements of Title 31, United States Code,  
6   Section 5313(a), and the regulations prescribed thereunder,  
7   did knowingly and intentionally structure, assist in  
8   structuring and attempt to structure one or more transactions  
9   with one or more domestic financial institutions by (a)  
10   breaking down sums of currency exceeding \$10,000 into smaller  
11   sums including sums at or below \$10,000 and depositing the  
12   smaller sums of currency into accounts with one or more  
13   domestic financial institutions; and (b) conducting a series  
14   of currency transactions, including transactions at or  
15   below \$10,000 at one or more domestic financial institutions,  
16   all as part of a pattern of illegal activity involving more  
17   than \$100,000 in a 12-month period, in violation of Title 31,  
18   United States Code, Sections 5324(a)(3) and 5324(d)(2); Title  
19   18, United States Code, Section 2 and Section 3551, et  
20   sequentia.

21           Criminal forfeiture allegation as to Count 1, 27.  
22   The United States hereby gives notice to the defendant that  
23   upon his conviction of the offense charged in Count 1, the  
24   Government will seek forfeiture in accordance with Title 18,  
25   U. S. Code, Section 981(a)(1)(C) and Title 28, U. S. Code,

1 Section 2461(c), which requires any person convicted of such  
2 offense to forfeit any and all property, real or personal,  
3 which constitutes or is derived from proceeds traceable to a  
4 violation of such offense.

5 Twenty-eight, if any of the above-described  
6 forfeitable property, as a result of any act or omission of  
7 the defendant: (a) cannot be located upon the exercise of due  
8 diligence; (b) has been transferred or sold or deposited with  
9 a third party; (c) has been placed beyond the jurisdiction of  
10 the Court; (d) has been substantially diminished in value; or  
11 (e) has been commingled with other property which cannot be  
12 divided without difficulty, it is the intent of the United  
13 States, pursuant to Title 21, United States Code, Section  
14 853(p), as incorporated by Title 28, United States Code,  
15 Section 2461(c), to seek forfeiture of any other property of  
16 the defendant up to the value of the forfeitable property  
17 described in this forfeiture allegation, pursuant to Title 18,  
18 U. S. Code, Section 2461(c); Title 18, U. S. Code, Section  
19 981(a)(1)(C), Title 21, United States Code, Section 853(p).

20 Criminal Forfeiture Allegation as to Count 2. The  
21 United States hereby gives notice to the defendant that upon  
22 his conviction of the offense charged in Count 2, the  
23 Government will seek forfeiture in accordance with Title 18,  
24 U. S. Code, Section 982(a)(1), which requires any person  
25 convicted of such offense to forfeit any and all property,

1 real or personal, involved in such offense or any property  
2 traceable to such offense.

3           Thirty, if any of the above-described forfeitable  
4 property as a result of any act or omission of the defendant:  
5 (a) cannot be located upon the exercise of due diligence; (b)  
6 has been transferred or sold to or deposited with a third  
7 party; (c) has been placed beyond the jurisdiction of the  
8 Court; (d) has been substantially diminished in value; or (e)  
9 has been commingled with other property which cannot be  
10 divided without difficulty, it is the intent of the United  
11 States, pursuant to Title 21, U. S. Code, Section 853(p),  
12 incorporated by Title 18, U. S. Code, Section 982(b), to seek  
13 forfeiture of any other property of the defendant up to the  
14 value of the forfeitable property described in this forfeiture  
15 allegation, Title 18, U. S. Code, Sections 982(a)(1), 982(b);  
16 Title 21, United States Code, Section 853(p).

17           Criminal Forfeiture Allegations as to Count 3,  
18 paragraph 31. The United States hereby gives notice to the  
19 defendant that upon conviction of the offense charged in Count  
20 3, the Government will seek forfeiture in accordance with  
21 Title 31, U.S. Code, Section 5317(c)(1), which requires any  
22 person convicted of such offense to forfeit any property, real  
23 or personal, involved in such offense and any property  
24 traceable to such property.

25           If any of the above-described forfeitable property

1 as a result of any action or omission of the defendant: (a)  
2 cannot be located upon the exercise of due diligence; (b) has  
3 been transferred or sold to, or deposited with a third party;  
4 (c) has been placed beyond the jurisdiction of the Court; (d)  
5 has been substantially diminished in value; or (e) has been  
6 commingled with other property which cannot be divided without  
7 difficulty, it is the intent of the United States, pursuant to  
8 Title 21, United States Code, Section 853(p), to seek  
9 forfeiture of any other property of the defendant up to the  
10 value of the forfeitable property described in the forfeiture  
11 allegation, Title 31, U. S. Code, Section 5317(c)(1), Title 21  
12 United States Code, Section 853(p)."

13 Signed by Loretta E. Lynch, United States Attorney,  
14 Eastern District of New York.

15 Counsel, have I read Court Exhibit 5, the  
16 Information, accurately?

17 MR. LAVERNE: Yes, Your Honor, you have.

18 MR. BRAFMAN: Yes, Your Honor.

19 THE COURT: May I have a motion to have it admitted  
20 into evidence, please, obviously under seal?

21 MR. BRAFMAN: Yes, Your Honor. We ask that it be  
22 admitted.

23 MR. LAVERNE: No objection from the Government.

24 THE COURT: It's admitted, Mr. Jackson. (Hanging.)

25 THE CLERK: Thank you, Judge.

1           THE COURT: I also have the Cooperation Agreement  
2 that's been marked as Court's Exhibit 6. Do I have a signed  
3 copy of that?

4           MR. LAVERNE: I do, Your Honor. I'll hand up the  
5 original signed version of the Cooperation Agreement, as well  
6 as -- so Your Honor has it, the Waiver of Indictment form with  
7 original signatures on it, as well. (Hanging.)

8           THE COURT: Thank you.

9           I have the original Waiver of Indictment form, which  
10 has been marked as Court's Exhibit 4 for identification. It's  
11 been signed by the defendant and by counsel for the defendant.  
12 I'm prepared to sign it.

13           Would counsel like me to read it orally into the  
14 record or is that necessary?

15           MR. BRAFMAN: It's not necessary, Your Honor. I  
16 acknowledge that both the defendant and I signed the document,  
17 sir.

18           THE COURT: Thank you, sir.

19           I am signing it as a judicial officer, and may I  
20 have a motion to have it admitted into evidence, please?

21           MR. BRAFMAN: Yes, please, Your Honor.

22           MR. LAVERNE: No objection.

23           THE COURT: It's admitted. The Waiver of Indictment  
24 is admitted as Court 4.

25           Mr. Jackson? (Hanging.)



1 THE CLERK: Thank you, Judge.

2 THE COURT: We're now up to the Cooperation  
3 Agreement, which has been marked as Court Exhibit 6 for  
4 identification.

5 To avoid any confusion by my friends on the 17th  
6 Floor across the harbor, I am going to read it in its  
7 entirety. I note that it has been signed and dated October  
8 17th. It's been signed on behalf of the United States  
9 Attorney by Evan M. Norris, above the signature line for  
10 Amanda Hector and for Mr. LaVerne, as well.

11 MR. LAVERNE: It's actually my signature, Your  
12 Honor. Maybe it's hard to read, but it is, in fact, my  
13 signature.

14 THE COURT: All right. It's your signature, and  
15 Evan Norris is the first name. Amanda Hector is the second.  
16 You're the third, and Brian D. Morris is the next. And there  
17 is also a signature that it has been approved by the  
18 supervising assistant who doesn't seem to have his or her name  
19 typed.

20 MR. LAVERNE: Mr. Daniel Silver.

21 THE COURT: Okay. That might be helpful in the  
22 future, but that's fine.

23 It's been signed by the defendant and signed by  
24 defendant's counsel, is that correct?

25 MR. BRAFMAN: Yes, Your Honor.

1 THE COURT: All right. This is the Cooperation  
2 Agreement, which is Court Exhibit 6 for identification. I'm  
3 going to read that in now.

4 "Pursuant to Rule 11 of the Federal Rules of  
5 Criminal Procedure, the United States Attorney's Office for  
6 the Eastern District and the defendant agree to the following:  
7 One, the defendant will waive indictment and where applicable,  
8 venue, and plead guilty to a three-count Information to be  
9 filed in this district, charging violations of 18 USC, Section  
10 1349, Count 1; 18 USC, Section 1956(h), Count 2; and 31 USC  
11 Section 5324(a)(3), Count 3.

12 The foregoing Counts carry the following statutory  
13 penalties: Count 1, wire fraud conspiracy, maximum term of  
14 imprisonment 20 years, 18 USC, Sections 1343 and 1349; (b)  
15 minimum term of imprisonment, zero years, 18 USC, Section  
16 1343, 1349; (c) maximum supervised release term, three years  
17 to follow any term of imprisonment. If a condition of release  
18 is violated, the defendant may be sentenced up to two years  
19 imprisonment without credit for pre-release imprisonment or  
20 time previously served on post-release supervision, 18 USC,  
21 Section 3583(b)(E); (d) maximum fine, \$250,000, pursuant to 18  
22 USC, Section 3571(b)(3); (e) restitution, mandatory in an  
23 amount to be determined by the Court, pursuant to 18 USC,  
24 Sections 3663 and 3663(a); (f) \$100 special assessment,  
25 pursuant to 18 USC, Section 3013; (g) criminal forfeiture:

1 The defendant consents to criminal forfeiture as set forth  
2 below in paragraphs seven through 14; 18 USC, Sections  
3 981(a)(1)(C); 28 USC, Section 2461(c) and 21 USC, Section  
4 853(p); (h) other penalties: Removal as set forth below in  
5 paragraph 18.

6 Count 2, Money Laundering Conspiracy: Maximum term  
7 of imprisonment, 20 years under 18 USC, 1956(a) and (h); (b)  
8 minimum term of imprisonment, zero years, under 18 USC,  
9 1956(a) and (h); (c) maximum supervised release term, three  
10 years to follow any term of imprisonment. If a condition of  
11 release is violated, the defendant may be sentenced to up to  
12 two years imprisonment without credit for pre-release  
13 imprisonment or time previously served on post-release  
14 supervision, 18 USC, 3583(b)(E); (d) maximum fine is the  
15 greater of \$500,000 or twice the value of the monetary  
16 instrument or funds involved, pursuant to 18 USC, Section  
17 1956(a); (e) restitution, mandatory in an amount to be  
18 determined by the Court, pursuant to 18 USC, Sections 3663 and  
19 3663(a); (f) \$100 special assessment, pursuant to 18 USC,  
20 3013; (g) criminal forfeiture: The defendant consents to  
21 criminal forfeiture as set forth below in paragraphs seven  
22 through 14, 18 USC, Sections 982(a)(1) and 982(b), 28 USC,  
23 2461(c) and 21 USC, Section 853(p); (h) other penalties:  
24 Removal as set forth below in paragraph 18.

25 Count 3, Structure: Maximum term of imprisonment,

1 ten years, 31 USC, Section 5324(d)(2); (b) minimum term of  
2 imprisonment, zero years, under 31 USC, Section 5324(b)(2);  
3 (c), maximum supervised release term, three years to follow  
4 any term of imprisonment. If a condition of release is  
5 violated, the defendant may be sentenced up to two years  
6 imprisonment without credit for pre-release imprisonment or  
7 time previously served on post-release supervision, 18 USC,  
8 Section 3583(b) and (e); (d) maximum fine, \$500,000, 31 USC,  
9 Section 5324(e)(2); (e) restitution: The parties agree that  
10 restitution with respect to any defendant's tax liabilities --  
11 should be any of defendant's tax liabilities -- may be ordered  
12 by the Court pursuant to 18 USC, Section 3663; (f) \$100  
13 special assessment, 18 USC, Section 3013; (g) criminal  
14 forfeiture: The defendant consents to criminal forfeiture as  
15 set forth below in paragraphs seven through 14, 21, USC,  
16 Section 853(p) and 31 USC, Section 5317(c)(1); (h) other  
17 penalties: Removal as set forth below in paragraph 18. The  
18 sentence imposed on each count may run consecutively.

19 Two, the defendant understands that although  
20 imposition of a sentence in accordance with the United States  
21 Sentencing Guidelines is not mandatory, the Guidelines are  
22 advisory, and the Court is required to consider any applicable  
23 Guideline provisions, as well as other factors enumerated in  
24 18 USC, Section 3553(a) to arrive at an appropriate sentence  
25 in this case.

1           The United States Attorney's Office will advise the  
2 Court and the Probation Department of information relevant to  
3 sentencing, including all criminal activity engaged in by the  
4 defendant. Such information may be used by this Court in  
5 determining the defendant's sentence.

6           If the defendant clearly demonstrates acceptance of  
7 responsibility through allocution and subsequent conduct prior  
8 to the imposition of a sentence, a two-level reduction will be  
9 warranted, pursuant to USSG, Section 3E1.1(a).

10           Furthermore, if the defendant has accepted  
11 responsibility as described above and if the defendant pleads  
12 guilty on or before October 18th, 2013 -- which is today's  
13 date -- an additional one-level reduction will be warranted  
14 pursuant to USSG, Section 3E1.1(b).

15           Three, the defendant will provide truthful, complete  
16 and accurate information and will cooperate with the Office of  
17 the United States Attorney. This cooperation will include but  
18 is not limited to the following: The defendant agrees to be  
19 fully debriefed and to attend all meetings at which his  
20 presence is requested concerning his participation in and  
21 knowledge of all criminal activities; (b) the defendant agrees  
22 to furnish to the Office of the United States Attorney all  
23 documents and other material that may be relevant to the  
24 information to the investigation, and that are in the  
25 defendant's possession or control, and to participate in

1 undercover activities pursuant to the specific instructions of  
2 law enforcement agents or this office; (c) the defendant  
3 agrees not to reveal his cooperation or any information  
4 derived therefrom to any third party without prior consent of  
5 the Office; (d) the defendant agrees to testify at any  
6 proceeding in the Eastern District of New York or elsewhere,  
7 as requested by the Office; (e) the defendant consents to  
8 adjournments of his sentence as requested by the Office; (f)  
9 the defendant agrees to cooperate fully with the Internal  
10 Revenue Service in the ascertainment, computation and payment  
11 of his correct federal income tax liability for the years 2007  
12 through 2012.

13 To that end, the defendant will file amended tax  
14 returns as directed by the Internal Revenue Service prior to  
15 the imposition of sentence and consents to the disclosure to  
16 the Internal Revenue Service of information relating to his  
17 financial affairs that is in the possession of third parties.

18 (g) The defendant agrees to comply with the  
19 forfeiture provision set forth in paragraphs seven through 14  
20 below. The Office agrees that, (a) except as provided in  
21 paragraphs one, 16 and 17, no criminal charges will be brought  
22 against the defendant for his heretofore disclosed  
23 participation in, one, fraud and money laundering in  
24 connection with the following: (a) aiding and abetting the  
25 receipt of a bribe and/or kickback payment made by the South

1 African Bid Committee in connection with its bid to host the  
2 FIFA World Cup; and (b) the sale of tickets for the FIFA World  
3 Cup in or about and between 1994 and 2011, as alleged in  
4 Counts 1 and 2 with respect to the 2005 to 2011 time period.

5 Two, structuring financial transactions in or about  
6 and between July 2011 and December 2011, as alleged in Count  
7 3.

8 And three, bulk cash smuggling in or about and  
9 between July 2011 and December 2011; (b) no statements made by  
10 the defendant during the course of this cooperation will be  
11 used against him except as provided in paragraphs two, 16 and  
12 17.

13 Paragraph five. The defendant agrees that the  
14 Office may meet with and debrief him without the presence of  
15 counsel, unless the defendant specifically requests counsel's  
16 presence at such debriefings and meetings. Upon request of  
17 the defendant, the Office will endeavor to provide advanced  
18 notice to counsel of the place and time of the meetings and  
19 debriefings, it being understood that the Office's ability to  
20 provide such notice will vary according to time constraints  
21 and other circumstances.

22 The Office may accommodate requests to alter the  
23 time and place of such debriefings. It is understood,  
24 however, that any cancellations or reschedulings of  
25 debriefings or meetings requested by the defendant that hinder

1 the Office's ability to prepare adequately for trials,  
2 hearings or other proceedings may adversely affect the  
3 defendant's ability to provide substantial assistance.

4           Matters occurring at any meeting or debriefing may  
5 be considered by the Office in determining whether the  
6 defendant has provided substantial assistance or otherwise  
7 complied with this agreement, and may be considered by the  
8 Court in imposing sentence, regardless of whether counsel was  
9 present at the meeting or debriefing.

10           Six, if the Office determines that the defendant has  
11 cooperated fully, provided substantial assistance to law  
12 enforcement authorities and otherwise complied with the terms  
13 of this agreement, the Office will file a motion pursuant to  
14 USSG, Section 5K1.1 with the sentencing Court, setting forth  
15 the nature and extent of his cooperation. Such a motion will  
16 allow this Court in applying the advisory Guidelines to  
17 consider a range below the Guidelines range that would  
18 otherwise apply.

19           In this connection, it is understood that a good  
20 faith determination by the Office as to whether the defendant  
21 has cooperated fully and provided substantial assistance and  
22 has otherwise complied with the terms of this agreement,  
23 including the demonstration of acceptance of responsibility  
24 described in paragraph two, and the Office's good faith  
25 assessment of the value, truthfulness, completeness and



1 accuracy of the cooperation shall be binding upon him. The  
2 defendant agrees when making this determination, the Office  
3 may consider facts known to it at the time -- at this time.

4 The Office will not recommend to the Court a  
5 specific sentence to be imposed. Further, the Office cannot  
6 and does not make a promise or representation as to what  
7 sentence will be imposed by this Court.

8 Seven, the defendant acknowledges that money and  
9 property is subject to forfeiture as result of his violation  
10 of 18 USC, Sections 1349 and 1956(h), and 31 USC, Section  
11 5324(a)(3), as alleged in the Information.

12 Pursuant to 18 USC, Sections 981(a)(1)(C) and  
13 982(a)(1); 28 USC, Section, 2461(c), and 31 USC, Section  
14 5317(c)(1), the defendant consents to the forfeiture of  
15 \$1,177,843.95 -- \$1,177,843,95, which represents a portion of  
16 the monies that the defendant received from ticket sales in  
17 connection with the 2006 FIFA World Cup, and monies the  
18 defendant structured (the first Forfeiture Money Judgment) and  
19 the forfeiture of a second unspecified amount of United States  
20 currency to be determined by this Court at sentencing (the  
21 second Forfeiture Money Judgment) and together with the first  
22 Forfeiture Money Judgment, the Forfeiture Money Judgments --  
23 plural -- (a) any property, real or personal, which  
24 constitutes or is derived from proceeds traceable to the  
25 defendant's violation of 18 USC, Section 1349, and/or as

1 substitute assets in accordance with the provisions of 21 USC,  
2 Section 853(p), as incorporated by 28 USC, Section 2461(c).

3 (b) Property, real or personal, involved in the  
4 defendant's violation of 18 USC, Section 1956(h) or property  
5 traceable to such property and/or as substitute assets in  
6 accordance with the provisions of 21 USC, Section 853(p), as  
7 incorporated by 18 USC, Section 982(b) and (c).

8 (c) Property, real or personal, involved in the  
9 defendant's violation of 31 USC, Section 5324(a)(3) or  
10 property traceable to such property and/or substitute assets  
11 in accordance with the provisions of 21 USC, Section 853(p),  
12 as incorporated by 31 USC, Section 5317(c)(1)(B).

13 The defendant consents to the entry of an Order of  
14 Forfeiture pursuant to Rule 32.2 of the Federal Rules of  
15 Criminal Procedure, forfeiting the amount of the Forfeiture  
16 Money Judgments.

17 Eight, the defendant consents to the entry of the  
18 Forfeiture Money Judgments. The defendant shall pay \$200,000  
19 towards the first Forfeiture Money Judgment on or before  
20 October 25 of 2013, the first due date, and shall pay the  
21 remaining balance of the first Forfeiture Money Judgment in  
22 full on or before November 18th, 2013, the second due date.

23 The defendant shall pay the second Forfeiture Money  
24 Judgment in full on or before the date of his sentencing --  
25 the third due date. The first due date, second due date and

1 third due dates are referred to generally as the 'Applicable  
2 Due Dates.'

3 The defendant acknowledges that the Office, at its  
4 sole discretion, may seek to forfeit the amount of Forfeiture  
5 Money Judgment through commencement of an administrative or  
6 civil forfeiture proceeding. The defendant consents to the  
7 entry of an Administrative Declaration of Forfeiture as to any  
8 payments made towards the Forfeit Money Judgments, and waives  
9 the requirements of 18 USC, Section 983 regarding Notice of  
10 Seizure in non-judicial forfeiture matters.

11 The defendant further waives the filing of a civil  
12 forfeiture complaint as to any payments made towards the  
13 Forfeiture Money Judgments, in accordance with the procedures  
14 set forth in 18 USC, Section 983. Defendant agrees to execute  
15 any documents necessary to effectuate the administrative or  
16 civil forfeiture of any payments made towards the Forfeiture  
17 Money Judgment.

18 Nine, all payments towards the Forfeiture Money  
19 Judgment shall be made by certified or bank check payable to  
20 the United States Marshal Service and delivered by hand or  
21 overnight courier on or before the applicable due date to  
22 Assistant United States Attorney Brian Morris, United States  
23 Attorney's Office, Eastern District of New York, 271 Cadman  
24 Plaza East, Seventh Floor, Brooklyn, New York, 11201, the  
25 criminal docket number noted on the face of the checks.

1           The defendant acknowledges that all funds paid by  
2 the defendant pursuant to this paragraph shall be subject to a  
3 restitution hold to ensure their availability for transfer to  
4 the Clerk of Court, in satisfaction of any Order of  
5 Restitution entered at or after the time of sentencing for the  
6 benefit of any victims, pursuant to 18 USC, Sections 3663 and  
7 3663(a), in the event that the Attorney General grants any  
8 request for remission or restoration in accordance with the  
9 provisions of 18 USC, Section 1963(g) and 28 CFR, Part 9.

10           Ten, if either or both of the Forfeiture Money  
11 Judgments is or is not paid on or before the applicable due  
12 date, interest shall accrue on any unpaid portion thereof at  
13 the judgment rate of interest from that date.

14           If the defendant fails to pay any portion of the  
15 Forfeiture Money Judgment on or before the applicable due  
16 date, the defendant consents to the forfeiture of any other  
17 property of his, up to the amount of the Forfeiture Money  
18 Judgment, pursuant to 21 USC, Section 853(p), the Federal Debt  
19 Collection Procedures Act or any other applicable law.

20           Eleven, the defendant agrees to fully assist the  
21 Government in effectuating the payment of the Forfeiture Money  
22 Judgment by, among other things, executing any documents  
23 necessary to effectuate the transfer of title to the United  
24 States of any substitute assets. The defendant agrees not to  
25 file or interpose any claims or to assist others to file or

1 interpose any claims to any property against which the  
2 Government seeks to execute the Forfeiture Money Judgments in  
3 any administrative or judicial proceeding.

4 Twelve, the failure of the defendant to forfeit any  
5 monies and/or properties as required under this agreement,  
6 including the failure of the defendant to execute any  
7 documents to accomplish same on a timely notice to do so shall  
8 constitute a material breach of this agreement. Upon such a  
9 breach, the defendant will not be entitled to withdraw the  
10 plea, but the Office may bring additional criminal charges  
11 against the defendant.

12 Thirteen, the defendant knowingly and voluntarily  
13 waives his right to any required notice concerning the  
14 forfeiture of the monies and/or properties forfeited  
15 hereunder, including notice set forth in an Indictment or  
16 Information.

17 In addition, the defendant knowingly and voluntarily  
18 waives his right, if any, to a jury trial on the forfeiture of  
19 said monies and/or properties, and waives all constitutional,  
20 legal and equitable defenses to the forfeiture of said monies  
21 and/or properties, including but not limited to any defenses  
22 based on principles of double jeopardy, the *ex post facto*  
23 clause of the Constitution, the statute of limitations, venue  
24 or any defense under the Eighth Amendment, including a claim  
25 of excessive fines.

1           Fourteen, the defendant agrees that the entry or  
2 payment of the Forfeiture Money Judgments are not to be  
3 considered fines or payment on any income taxes or civil  
4 penalties that may be due.

5           Fifteen, the defendant agrees that with respect to  
6 all charges referred to in paragraphs one and 4(a), he is not  
7 a prevailing party within the meaning of the Hyde Amendment 18  
8 USC, Section 3006(a), and will not file any claim under that  
9 law.

10           The defendant waives any right to additional  
11 disclosure from the Government in connection with the guilty  
12 plea. The defendant agrees to pay the special assessment by  
13 check, payable to the Clerk of the Court at or before  
14 sentencing. The defendant understands that he may be subject  
15 to removal as set forth in paragraph 18 below. Nonetheless,  
16 the defendant affirms that he wants to plead guilty and to  
17 waive his right to appeal as set forth at the beginning of  
18 this paragraph, even if the consequence is the defendant's  
19 automatic removal from the United States.

20           Sixteen, the defendant must at all times give  
21 complete, truthful and accurate information and testimony, and  
22 must not commit or attempt to commit any further crimes.  
23 Should it be judged by the Office that the defendant has  
24 failed to cooperate fully and has intentionally given false,  
25 misleading or incomplete information or testimony, has

1 committed or attempted to commit any further crimes or has  
2 otherwise violated any provision of this agreement, the  
3 defendant will not be released from his plea of guilty, but  
4 this Office will be released from its obligations under this  
5 agreement, including (a) not to oppose a downward adjustment  
6 of two levels for acceptance of responsibility described in  
7 paragraph two above, and to make the motion for an additional  
8 one-level reduction described in paragraph two above; and (b)  
9 to file the motion described in paragraph six above.

10 Moreover, this Office may withdraw the motion described in  
11 paragraph six above, if such motion has been filed prior to  
12 sentencing.

13           The defendant will also be subject to prosecution  
14 for any federal criminal violation with the Office's  
15 knowledge, including but not limited to the criminal activity  
16 described in paragraph four above, perjury and obstruction of  
17 justice.

18           Seventeen, any prosecution resulting from the  
19 defendant's failure to comply with the terms of this agreement  
20 may be premised upon, among other things, (a) any statement  
21 made by the defendant to the Office or to other law  
22 enforcement agents on or after November 30th, 2012; (b) any  
23 testimony given by him before any grand jury or other  
24 tribunal, whether before or after the date of this agreement  
25 signed by the defendant; and (c) any leads derived from such

1 statements or testimony.

2 Prosecutions that are not time-barred by the federal  
3 statute of limitations on the date of this agreement -- on the  
4 date this agreement is signed may be commenced against the  
5 defendant in accordance with this paragraph, notwithstanding  
6 the expiration of the statute of limitations between the  
7 signing of this agreement and the commencement of any such  
8 prosecution.

9 Furthermore, the defendant waives all claims under  
10 the United States Constitution, Rule 11(f) of the Federal  
11 Rules of Criminal Procedure, Rule 410 of the Federal Rules of  
12 Evidence, and any other federal statute or rule. The  
13 statements made by him or after November 30th, 2012, or any  
14 leads derived therefrom should be suppressed.

15 Eighteen, the defendant recognizes that pleading  
16 guilty may have consequences with respect to the defendant's  
17 immigration status if the defendant is not a citizen of the  
18 United States. Under federal law, a broad range of crimes are  
19 removable offenses, including the offenses to which the  
20 defendant is pleading guilty. Indeed, because the defendant  
21 is pleading guilty to Wire Fraud Conspiracy and Money  
22 Laundering Conspiracy, removal is presumptively mandatory.

23 Removal and other immigration consequences are the  
24 subject of a separate providing, however, and the defendant  
25 understands that no one, including the defendant's attorney or



1 the District Court can predict with certainty the effect of  
2 the defendant's conviction on the defendant's immigration  
3 status. The defendant nevertheless affirms that he wants to  
4 plead guilty regardless of any immigration consequences that  
5 his plea may entail, even if the consequences are the  
6 defendant's automatic removal from the United States.

7 Nineteen, if the defendant requests and in the  
8 Office's judgment, the request is reasonable, the Office will  
9 recommend to the Department of Justice that the defendant and  
10 if appropriate other individuals, be issued an S Visa  
11 classification, it being understood that the Office's  
12 authority can only recommend and that the decision to certify  
13 the recommendation rests with the Department of Justice. And  
14 further, that the final decision whether to grant such relief  
15 rests with the Department of Homeland Security, both of which  
16 will make their respective decisions in accordance with the  
17 applicable law.

18 The defendant understands that notwithstanding the  
19 Office's recommendation that he be issued an S Visa  
20 classification, pleading guilty could result in the  
21 defendant's removal. In accordance with paragraph 18 above,  
22 the defendant nevertheless affirms that the defendant wants to  
23 plead guilty regardless of any immigration consequences that  
24 the defendant's plea may entail, even if the consequences are  
25 the defendant's automatic removal from the United States.

1           Twenty, this agreement does not bind any federal,  
2 state or local prosecuting authority other than the Office,  
3 and does not prohibit the Office from initiating or  
4 prosecuting any civil or administrative proceeding directly or  
5 indirectly involving the defendant.

6           Twenty-one, apart from the written proffer  
7 agreements dated November 30, 2012; December 2, 2012;  
8 December 5, 2012; December 11, 2012; December 19, 2012;  
9 January 16, 2013; February 19, 2013; February 20th, 2013;  
10 May 28, 2013; September 4, 2013; and September 26, 2013, no  
11 promises, agreements or conditions have been entered into  
12 other than those set forth in this agreement, and none will be  
13 entered into unless memorialized in writing and signed by all  
14 parties. This agreement supersedes any prior promises,  
15 agreements or conditions between the parties."

16           Dated October 17th, 2013, Brooklyn, New York, and  
17 signed, as we said earlier, by Mr. LaVerne on behalf of the  
18 U. S. Attorney, Loretta Lynch, through the supervisor, signed  
19 by the defendant and by the defendant's counsel.

20           Have I read the cooperation agreement, Court 6, in  
21 its entirety accurately, counsel?

22           MR. LAVERNE: Yes, Your Honor. The Government has  
23 one slight change to the agreement --

24           THE COURT: Yes, sir.

25           MR. LAVERNE: -- that I don't think the defense will

1 quarrel with. On page 13, paragraph 15, final sentence of  
2 that paragraph beginning with "nevertheless," the sentence  
3 currently reads, "Nevertheless, the defendant affirms that he  
4 wants to plead guilty," and then says, "and to waive his right  
5 to appeal as set forth at the beginning of this paragraph."

6 We propose striking that portion of the sentence  
7 referring to his right to appeal. It's a mistake in the  
8 agreement. There is, in fact, no waiver, specific waiver of  
9 right to appeal in this agreement.

10 THE COURT: So the words you want stricken, just so  
11 we're clear, are --

12 MR. LAVERNE: "And to waive his right to appeal, as  
13 set forth at the beginning of this paragraph."

14 THE COURT: Okay. I am striking that out, and I'm  
15 going to ask if that is acceptable to defense counsel.

16 MR. BRAFMAN: Yes, Your Honor.

17 THE COURT: All right. Mr. Jackson, would you have  
18 the prosecutor and defense counsel and the defendant initial  
19 the strike-out? And Court 6 will be so amended.

20 THE CLERK: (Complies.)

21 THE COURT: As amended, may I have a motion to have  
22 the Court Exhibit 6 admitted into evidence, please?

23 MR. BRAFMAN: Yes, Your Honor. We ask that you move  
24 it into evidence.

25 THE COURT: Any objection?

1 MR. LAVERNE: No objection to the admission.  
2 Understood.

3 THE COURT: All right. It's admitted under seal.  
4 Okay, Mr. Jackson.

5 Mr. Doe, unless your counsel wishes to be heard at  
6 this point or has any objection, the Court believes we may now  
7 turn to the procedures for taking your plea in this case.

8 MR. BRAFMAN: That's acceptable, Your Honor. Thank  
9 you.

10 THE COURT: Thank you, sir.

11 Mr. Doe, your attorney advises this Court that you  
12 wish to plead guilty to the Information which I previously  
13 read, and to do so pursuant to the Cooperation Agreement, both  
14 of which I have just read to you. Do you need to have me read  
15 them again to you, sir?

16 THE DEFENDANT: No, Your Honor.

17 THE COURT: I say again, sir, this is a serious  
18 decision and I must be certain that you make it understanding  
19 your rights and the consequences of your plea.

20 You understand that having taken an oath and having  
21 been sworn to tell the truth, you must do so to this Court.  
22 If you were to lie to this Court deliberately in response to  
23 any question I ask you, you could face further criminal  
24 charges for perjury. Do you understand that, sir?

25 THE DEFENDANT: Yes, Your Honor.

1 THE COURT: If you need me to repeat anything, sir,  
2 you have only to have to ask. It is important that you  
3 understand everything that goes on in these proceedings today.  
4 Is that clear?

5 THE DEFENDANT: Yes, Your Honor.

6 THE COURT: All right. Again, sir, just so the  
7 record is clear, how old are you?

8 THE DEFENDANT: Forty-five years old.

9 THE COURT: You have briefly described already your  
10 educational background.

11 So, sir, I must be certain that whatever decision  
12 you make today, you make with a clear head. I'm going to ask  
13 you some general questions about your health.

14 First, are you presently or have you recently been  
15 under the care of a doctor, a physician, a psychiatrist or  
16 psychologist for any reason?

17 THE DEFENDANT: No, Your Honor.

18 THE COURT: Sir, other than the alcohol you have  
19 testified about earlier, in the past 24 hours, have you taken  
20 any pills or any drugs or any medicine or consumed any alcohol  
21 of any kind?

22 THE DEFENDANT: No, Your Honor.

23 THE COURT: Have you have been hospitalized or  
24 treated for any drug-related problem, sir?

25 THE DEFENDANT: No, Your Honor.

1 THE COURT: Is your mind clear as you sit here  
2 today, sir?

3 THE DEFENDANT: Yes, Your Honor.

4 THE COURT: Do you understand everything that is  
5 being said to you, sir?

6 THE DEFENDANT: Yes, Your Honor.

7 THE COURT: Defense counsel, have you discussed the  
8 question of a guilty plea with your client?

9 MR. BRAFMAN: Yes. We had extensive discussions,  
10 Your Honor.

11 THE COURT: In your view, sir, does he understand  
12 the rights he would be waiving by pleading guilty?

13 MR. BRAFMAN: Yes, Your Honor.

14 THE COURT: Do you have any questions as to his  
15 competence to proceed today?

16 MR. BRAFMAN: No, sir.

17 THE COURT: Mr. Doe, are you satisfied with the  
18 assistance that your attorney has given you thus far in this  
19 case?

20 THE DEFENDANT: Yes, Your Honor.

21 THE COURT: I'm going to ask counsel for the  
22 defendant, do you feel, sir, that you need more time to  
23 discuss the question of a guilty plea with your client?

24 MR. BRAFMAN: No, sir.

25 THE COURT: Sir, I previously read the charge to

1     you. Do you need to hear them read again?

2             THE DEFENDANT: No, Your Honor.

3             THE COURT: Now, sir, you have a right to plead not  
4     guilty to these charges. No one can be forced to plead  
5     guilty. Do you understand that?

6             THE DEFENDANT: Yes, Your Honor.

7             THE COURT: If you plead not guilty to these charges  
8     or if you persist in your plea of not guilty, you have a right  
9     under the Constitution and the laws of the United States of  
10    America to a speedy and a public trial before a jury of your  
11    peers with the assistance of your counsel. You understand  
12    that, sir?

13            THE DEFENDANT: Yes, Your Honor.

14            THE COURT: At any trial, sir, you would be presumed  
15    to be innocent. You would not have to prove that you are  
16    innocent. This is because under our system of law, it is the  
17    United States Government that must come forward with proof  
18    that establishes beyond a reasonable doubt that you are, in  
19    fact, guilty of the crimes charged. If the Government failed  
20    to meet this burden of proof, the jury would have the duty to  
21    find you not guilty. You understand that, sir?

22            THE DEFENDANT: Yes, Your Honor.

23            THE COURT: In the course of a trial, witnesses for  
24    the Government would have to come here to this court and to  
25    testify in your presence. Your lawyer would have the right to

1 cross-examine these witnesses. You can raise legal objections  
2 to the evidence the Government sought to offer against you.  
3 You can offer evidence on your behalf if you thought there was  
4 evidence that might help you in your case. You could compel  
5 witnesses to come to court and to testify in your defense, if  
6 you thought it would help your case. Do you understand that?

7 THE DEFENDANT: Yes, Your Honor.

8 THE COURT: At a trial, you would have the right to  
9 testify on your own behalf if you wished to do so. On the  
10 other hand, you could not be forced to be a witness at your  
11 own trial. This is because under the Constitution and the  
12 laws of the United States of America, no person can be  
13 compelled to be a witness against himself. If you wish to go  
14 to trial or chose not to testify, this Court would instruct  
15 the jury that it could not hold that against you. You  
16 understand?

17 THE DEFENDANT: Yes, Your Honor.

18 THE COURT: If instead of going trial, sir, you  
19 plead guilty to the crimes charged and if I accept your guilty  
20 plea, you will be giving up your right to a trial and all the  
21 other rights I've just discussed with you. There will be no  
22 trial in this case. There will be no appeal on the question  
23 of whether or not you did or did not commit the crimes set  
24 forth in the Information. You understand that, sir?

25 THE DEFENDANT: Yes, Your Honor.



1           THE COURT: Now, while this Court is not bound by  
2 the Sentencing Guidelines, this Court will take them into  
3 consideration in determining what a reasonable sentence would  
4 be under all the circumstances available to me in this case.  
5 You understand that, sir?

6           THE DEFENDANT: Yes, Your Honor.

7           THE COURT: If you do plead guilty, I will have to  
8 ask you certain questions about what you did in order to  
9 satisfy myself as the Court that you are, in fact, guilty of  
10 the charges. You will have to answer my questions and to  
11 acknowledge your guilt, and if you do this, sir, you will be  
12 giving up your right not to incriminate yourself. You  
13 understand?

14          THE DEFENDANT: Yes, Your Honor.

15          THE COURT: Sir, are you willing to give up your  
16 right to a trial and to all the other rights I have just  
17 discussed with you?

18          THE DEFENDANT: Yes, Your Honor.

19          THE COURT: Now, we have the written plea agreement  
20 to which the plea is being offered, and that is being filed  
21 and has been filed under seal, is that correct?

22          MR. LAVERNE: Yes.

23          THE COURT: Is that correct?

24          MR. BRAFMAN: Yes, Your Honor.

25          THE COURT: And it is your understanding that the

1 Cooperation Agreement is the agreement that was, in fact,  
2 reached with the Government?

3 THE DEFENDANT: Yes, Your Honor.

4 THE COURT: Sir, did you hear and see everything the  
5 prosecutor and your counsel just said?

6 THE DEFENDANT: Yes, Your Honor.

7 THE COURT: Did you read and sign the written  
8 Cooperation Agreement?

9 THE DEFENDANT: Yes, I did.

10 THE COURT: Did you understand it?

11 THE DEFENDANT: Yes, I do.

12 THE COURT: And did you discuss it with your counsel  
13 before you signed it?

14 THE DEFENDANT: Yes, I did.

15 THE COURT: We also have a written Forfeiture  
16 Agreement, which is Court Exhibit 7, and that's been filed  
17 under seal.

18 Do we have that, Mr. Jackson?

19 THE CLERK: Yes, Your Honor. (Handing.)

20 THE COURT: Defense counsel, is it your  
21 understanding that Court Exhibit 7, the Order of Forfeiture  
22 is, in fact -- that it memorializes the Forfeiture Agreement  
23 that was reached with the Government?

24 MR. BRAFMAN: Yes, sir.

25 THE COURT: All right. I'm going to sign it and

1 date it today, October 18th. May I have a motion to have it  
2 admitted into evidence under seal, please?

3 MR. BRAFMAN: Yes, Your Honor, please.

4 MR. LAVERNE: No objection.

5 THE COURT: It's admitted under seal as Court  
6 Exhibit 7 in evidence, under seal.

7 Sir, is there any other agreement that has been  
8 reached or that has been made in order to get you to plead  
9 guilty other than the written Cooperation Agreement?

10 THE DEFENDANT: No, Your Honor.

11 THE COURT: The Court has marked the Waiver of  
12 Indictment as Court Exhibit 4 for identification. That has  
13 been admitted in evidence under seal, is that correct?

14 MR. BRAFMAN: Yes, Your Honor.

15 MR. LAVERNE: Yes, Your Honor.

16 THE COURT: All right. We have admitted the  
17 Information, Court Exhibit 5 for identification. Is that in  
18 evidence?

19 MR. BRAFMAN: Yes, sir.

20 MR. LAVERNE: Yes, Your Honor.

21 THE COURT: We have the Cooperation Agreement, Court  
22 Exhibit 6 for identification. May I have a motion to admit  
23 that evidence --

24 MR. BRAFMAN: Yes, sir.

25 THE COURT: -- if it has not been admitted?

1 MR. BRAFMAN: Yes, sir.

2 THE COURT: Any objection?

3 MR. LAVERNE: No Your Honor.

4 THE COURT: It's admitted under seal.

5 We have Court Exhibit 7, the Forfeiture Agreement  
6 that's been admitted under seal, in evidence.

7 Sir, do you understand the consequences of pleading  
8 guilty to these charges in terms of incarceration?

9 THE DEFENDANT: Yes, sir, Your Honor.

10 THE COURT: Let me take you back to the Cooperation  
11 Agreement and discuss with you some of the more important  
12 information relevant to this sentencing.

13 Paragraph one of your agreement sets out the  
14 statutory terms that you face. These are the penalties that  
15 are directly written by the Congress for violation of the  
16 statutes you're charged with violating today.

17 On Count 1, Wire Fraud Conspiracy, you face a  
18 maximum term of 20 years in prison. You face a minimum term  
19 of zero years of imprisonment on Count 1. You understand  
20 that?

21 THE DEFENDANT: Yes, Your Honor.

22 THE COURT: And you face a maximum supervised  
23 release term of three years for Count 1. Do you understand  
24 that?

25 THE DEFENDANT: Yes, Your Honor.

1 THE COURT: And a minimum supervised release term of  
2 zero years. You understand that?

3 THE DEFENDANT: Yes, Your Honor.

4 THE COURT: You face a maximum fine, as well, in the  
5 amount of \$250,000. You understand that?

6 THE DEFENDANT: Yes, Your Honor.

7 THE COURT: And restitution is applicable and  
8 criminal forfeiture is applicable in this case. Now, you also  
9 face a mandatory special assessment of \$100, which I'm  
10 required to impose in all cases. You understand that?

11 THE DEFENDANT: Yes, Your Honor.

12 THE COURT: In Count 2, the Money Laundering  
13 Conspiracy, you face a maximum term of 20 years in prison and  
14 a minimum term of zero years in prison. Do you understand  
15 that?

16 THE DEFENDANT: Yes, Your Honor.

17 THE COURT: You face a maximum supervised release  
18 term of three years under Count 2. You understand that?

19 THE DEFENDANT: Yes, Your Honor.

20 THE COURT: And a minimum supervised release term of  
21 zero years. You understand that?

22 THE DEFENDANT: Yes, Your Honor.

23 THE COURT: Under Count 2, you face a maximum fine,  
24 as well, in the amount of \$500,000 or twice the value of the  
25 monetary instrument or funds involved, whichever is greater on

1 Count 2. You understand that?

2 THE DEFENDANT: Yes, Your Honor.

3 THE COURT: Restitution is applicable in this case.  
4 Criminal forfeiture is applicable in this case. You also face  
5 a mandatory special assessment of \$100 on Count 2, which I'm  
6 required to impose in all cases. You understand that, sir?

7 THE DEFENDANT: Yes, sir.

8 THE COURT: In Count 3, Structuring, you face a  
9 maximum term of ten years, a minimum term of zero years; a  
10 maximum supervised release term of three years and a minimum  
11 supervised release term of zero years. Do you understand  
12 that?

13 THE DEFENDANT: Yes, Your Honor.

14 THE COURT: And you face a maximum fine, as well, in  
15 that count, the amount of \$500,000 in Count 3. You understand  
16 that?

17 THE DEFENDANT: Yes, Your Honor.

18 THE COURT: And restitution is applicable. Criminal  
19 forfeiture is applicable in this case. You understand that?

20 THE DEFENDANT: Yes, Your Honor.

21 THE COURT: Now, you also face a mandatory special  
22 assessment of \$100 in Count 3, which I'm required to impose in  
23 all cases. You understand that?

24 THE DEFENDANT: Yes, Your Honor.

25 THE COURT: The plea agreement provides the sentence

1 imposed on each count may run consecutively. So as I said  
2 before, sir, this is a Sentencing Guideline case, so in  
3 sentencing you, this Court will have to take certain  
4 considerations of the Guidelines into account. The Guidelines  
5 do not control the Court, but inform the Court and the Court  
6 will consult them.

7 Defense counsel, have you discussed the Sentencing  
8 Guidelines with your client?

9 MR. BRAFMAN: Yes, Your Honor.

10 THE COURT: Is that accurate, sir?

11 THE DEFENDANT: Yes, it is, Your Honor.

12 THE COURT: Now, when the Court sentences you, the  
13 Court will have to consider certain factors about you and the  
14 counts in the Information. That inquiry will lead the Court  
15 to a Guideline having a sentencing range. The Court is not  
16 required to sentence you within that range, sir. This Court  
17 is empowered to impose a sentence which is less than, equal  
18 to, or greater than that provided by the Guidelines, obviously  
19 subject to the statutory minimum and maximum constraints --  
20 but in all cases including this one, this Court must and will  
21 consult the Guidelines concerning the range of sentence before  
22 this Court in this case.

23 Now, before the Court imposes sentence, the Court  
24 will receive a report prepared by the Probation Department,  
25 which will recommend a particular Guideline to the Court. You

1 and your counsel will have the opportunity to see that report,  
2 and if you think that that report is mistaken, incomplete or  
3 simply wrong in any way, you will have the opportunity to  
4 bring that to the attention of this Court.

5 Now, sir, do you have any questions at all you would  
6 like to ask this Court?

7 THE DEFENDANT: No, Your Honor. Thank you.

8 THE COURT: Does defense counsel have any questions?

9 MR. BRAFMAN: No, Your Honor. Thank you, sir.

10 THE COURT: Thank you.

11 Does the prosecution have any questions?

12 MR. LAVERNE: Yes. Thank you, Your Honor.

13 I just would respectfully request that the Court  
14 advise the defendant that he does have the right in this case  
15 to be prosecuted by way of Indictment and be indicted by a  
16 grand jury, just to make sure he understands that he has that  
17 right but nonetheless, as he has said in the Waiver of  
18 Indictment that was just handed up, he consents to being  
19 proceeded against in this case by Information.

20 THE COURT: All right. Do you understand that you  
21 do have the right to insist on being indicted by a grand jury?

22 THE DEFENDANT: Yes, Your Honor.

23 THE COURT: And you understand that you're waiving  
24 that right and the Government is proceeding against you by way  
25 of Information, with no grand jury involved?



1 THE DEFENDANT: Yes, Your Honor.

2 MR. LAVERNE: Your Honor, one more small point.

3 THE COURT: Sure.

4 MR. LAVERNE: I would ask that Your Honor please  
5 inquire, again, just verbally on the record, make sure the  
6 defendant understands that pursuant to conviction on Counts 1  
7 and 2, he may well be removed from the country as a result.  
8 In fact, it's a presumptive removal in this case and that he  
9 nonetheless wishes to enter a plea of guilty.

10 THE COURT: Okay. Well, I read that several times  
11 to you and the prosecution correctly -- because this is an  
12 important point -- raises it again. You do understand that  
13 the nature of these claims would result in the presumptive  
14 removal from the United States if you are not, in fact, a  
15 United States citizen. Do you understand that, sir?

16 THE DEFENDANT: Yes, Your Honor.

17 THE COURT: And I take it you are not a United  
18 States citizen, is that correct?

19 THE DEFENDANT: No, I'm not, Your Honor.

20 THE COURT: Okay.

21 MR. LAVERNE: Thank you. I appreciate it.

22 THE COURT: All right. Defense counsel, do you know  
23 of any reason at all why your client should not enter a plea  
24 of guilty to the charges in the Information?

25 MR. BRAFMAN: No, Your Honor.

1 THE COURT: Sir, are you aware of any viable legal  
2 defense to the charges in the Information?

3 MR. BRAFMAN: No, Your Honor.

4 THE COURT: Mr. Doe, are you ready to plead?

5 THE DEFENDANT: Yes, Your Honor.

6 THE COURT: Sir, how do you plead to the charges  
7 contained in Count 1 of the Information filed against you in  
8 this case, guilty or not guilty?

9 THE DEFENDANT: Guilty.

10 THE COURT: Sir, how do you plead to the charge  
11 contained in Count 2 of the Information filed against you in  
12 this case, guilty or not guilty?

13 THE DEFENDANT: Guilty.

14 THE COURT: Sir, how do you plead with respect to  
15 the charge contained in Count 3 of the Information filed  
16 against you in this case, guilty or not guilty?

17 THE DEFENDANT: Guilty.

18 THE COURT: Sir, are you making these pleas of  
19 guilty voluntarily and of your own free will?

20 THE DEFENDANT: Yes, Your Honor.

21 THE COURT: Sir, has anyone threatened or forced you  
22 to plead guilty?

23 THE DEFENDANT: No, Your Honor.

24 THE COURT: Other than the agreement with the  
25 Government, Cooperation Agreement, has anyone made you any

1 promises that caused you to plead guilty?

2 THE DEFENDANT: No, Your Honor.

3 THE COURT: Sir, has anyone made any promises to you  
4 about the sentence you will receive in this case?

5 THE DEFENDANT: No, Your Honor.

6 THE COURT: Sir, please describe briefly in your own  
7 words what you did to commit the crime charged in Count 1 of  
8 the Information and where you did it. We're going to do this  
9 count-by-count, all right?

10 MR. BRAFMAN: Your Honor, for the convenience of the  
11 Court, we have a --

12 THE COURT: Have you done the allocution?

13 MR. BRAFMAN: Done the allocution and it  
14 incorporates all counts. I think it does them  
15 chronologically.

16 THE COURT: All right. Why don't we do it that way,  
17 then.

18 So I'm going to ask you to describe in your own  
19 words what you did to commit the crimes charged in Count 1 of  
20 the Information, in Count 2 of the Information, and in Count 3  
21 of the Information, and in so doing, I'm going to ask you to  
22 describe where you committed those crimes, as well. So with  
23 that, please proceed.

24 THE DEFENDANT: In between 2005 and 2011, within the  
25 Southern District of Florida and elsewhere.

1           THE COURT: Within the Southern District of Florida.  
2       Go ahead.

3           THE DEFENDANT: And elsewhere. I agreed with -- I  
4       agreed with others to purchase tickets --

5           THE COURT: Take your time. Take a drink of water.  
6       Slowly and loudly. Channel your inner Lord Vader, not your  
7       inner Woody Allen, okay? That's what I say all the time. So  
8       --

9           THE DEFENDANT: It's the price of a West Indies  
10      accent.

11          THE COURT: I understand. And also, the price of a  
12      Woody Allen accent, of being New Yorkers. Take your time.  
13      This is very important. Go ahead.

14          THE DEFENDANT: I agreed with others to purchase  
15      tickets to the 2006 and 2010 FIFA World Cup, and resell at a  
16      substantial profit.

17                 In 2006, I purchased the tickets directly from FIFA,  
18      and I misled FIFA to believe that my partner in reselling the  
19      tickets was not involved in the transaction, because I  
20      believed that FIFA would not have sold them to me had he been  
21      involved.

22                 In 2010, I purchased tickets from others in order to  
23      mislead FIFA to believe that I was not receiving tickets,  
24      because I believed that FIFA would no longer sell tickets  
25      directly to me. In furtherance of this agreement, I sent and

1 received emails across state and international lines.

2 In between 2005 and 2011, within the Southern  
3 District of Florida and elsewhere, I agreed with others to  
4 complete wire transfers from the United States to and from a  
5 place outside of the United States to further the  
6 previously-mentioned fraud to resell tickets to the 2006 and  
7 2010 World Cups.

8 MR. BRAFMAN: Your Honor, if I may interrupt just  
9 for a moment?

10 THE COURT: Yes?

11 MR. BRAFMAN: With respect to Counts 1 and 2 of the  
12 Information, the defendant, after consultation with counsel,  
13 is prepared to waive venue and plead guilty to those crimes in  
14 the Eastern District of New York.

15 THE COURT: Well, I was going to ask him, did you  
16 engage in any of this activity within the Eastern District of  
17 New York at all or are you just waiving venue? I want to know  
18 whether or not you did any activity here in the Eastern  
19 District of New York or not, as a factual matter, then we can  
20 talk about the waiver of venue.

21 MR. BRAFMAN: We are not aware of any conduct within  
22 the Eastern District of New York with respect these two  
23 counts, and he is waiving venue with respect to Count 3.  
24 There is activity in the Eastern District of New York.

25 THE COURT: Okay. You understand, sir, what it

1 means to waive venue?

2 THE DEFENDANT: Yes, I do.

3 THE COURT: Okay. What is your understanding of  
4 what that means?

5 THE DEFENDANT: I could be prosecuted if something  
6 happened, although it's at another location.

7 THE COURT: Say that again, a little bit louder?

8 THE DEFENDANT: Sorry. I could be prosecuted for  
9 something that occurred, even though it was not in that  
10 location or at that location.

11 THE COURT: All right. Just so we're clear, in  
12 terms of your activities with respect to Count 1, you're  
13 saying you didn't do anything in the Eastern District of New  
14 York, but you're waiving venue with respect to Eastern  
15 District of New York with respect to Count 1? Is that what  
16 you're saying?

17 THE DEFENDANT: Yes, Your Honor.

18 THE COURT: Now, respect to Count 2, same thing,  
19 you're waiving venue objections with respect to Count 2 and  
20 you're saying you didn't do anything within the Eastern  
21 District of New York with respect to Count 2, is that right?

22 THE DEFENDANT: Yes, Your Honor.

23 THE COURT: Now, with respect to Count 3, you're  
24 saying you did, in fact, engage in activity in the Eastern  
25 District of New York with respect to Count 3?

1 THE DEFENDANT: Yes, Your Honor.

2 THE COURT: Okay. What did you do in the Eastern  
3 District of New York with respect to Count 3?

4 THE DEFENDANT: In between July 2011 and  
5 December 2011, in Queens, New York and other places, I  
6 deposited cash into domestic banks in amounts less than  
7 10,000, to avoid the banks filing the requisite reports for  
8 cash deposits in excess of 10,000.

9 I was aware that the banks were obligated to report  
10 currency transactions in excess of 10,000, and I made the  
11 deposits in smaller amounts to evade this requirement. I made  
12 the deposits and violated the law as part of a pattern of  
13 illegal activity --

14 THE COURT: "I made the deposits as part of a  
15 pattern of illegality," is that what you said, sir?

16 THE DEFENDANT: Yes, Your Honor.

17 THE COURT: Okay. Go ahead.

18 THE DEFENDANT: Involving more than 100,000, within  
19 the July 2011 to December 2011 period.

20 THE COURT: Involving amounts of more than \$100,000,  
21 is that what you said, sir?

22 THE DEFENDANT: Yes, Your Honor.

23 THE COURT: All right.

24 MR. LAVERNE: I'm sorry. Your Honor, just so we  
25 have it clear on the record, if the defendant would just

1 reread the final sentence?

2 THE DEFENDANT: The final paragraph: "I was aware  
3 that the banks were obligated to report currency transactions  
4 in excess of \$10,000, and I made the deposits in smaller  
5 amounts to evade this requirement. I made the deposits and  
6 violated the law as part of a pattern of illegal activity  
7 involving more than 100,000, within the July 2011 to  
8 December 2011 period."

9 THE COURT: All right. I'm going to ask the court  
10 reporter to read back what she got, and we'll just make sure  
11 that -- we'll take it from there.

12 Why don't you read back what you got?

13 (Record read.)

14 MR. BRAFMAN: Your Honor, may we go back on the  
15 record for a moment?

16 THE COURT: Sure.

17 MR. BRAFMAN: Make I make a suggestion just to help  
18 expedite matters to ensure accuracy, because I realize how  
19 meticulous Your Honor is in taking the plea?

20 There is a typed allocution that the defendant has  
21 adopted as his words. Unfortunately, it had to be rewritten  
22 in portions based on the discussions this morning with the  
23 Government, so we don't have a typed version.

24 But may I suggest one of two things? Either we hand  
25 the document to the reporter or perhaps if I could read it,



1 slowly and clearly with the defendant sitting beside me, and  
2 then the defendant could acknowledge that that's exactly what  
3 he said, because there are some important mistakes, through no  
4 fault of the stenographer, that this might avoid.

5 THE COURT: I would suggest you read it slowly and  
6 clearly with your client next to you and have him adopt the  
7 statements, and I would suggest that we mark as an exhibit the  
8 written document for our friends across the harbor.

9 MR. BRAFMAN: That's fine.

10 THE COURT: I would suggest both.

11 MR. BRAFMAN: I have no objection to that. Let me  
12 read it, sir.

13 MR. LAVERNE: And the Government has no objection.  
14 I also would just say that, having spoken to the defendant  
15 about the allocution before this proceeding and having sat  
16 here and listened to the defendant say it, although it has  
17 been difficult, I believe what he said in court, even though  
18 it wasn't all recorded accurately was consistent with what the  
19 allocution that is about to be put into evidence is.

20 MR. BRAFMAN: So do I, sir. There is no question  
21 about that.

22 THE COURT: So does this Court, but as I said, I  
23 have friends across the harbor on the 17th Floor and they will  
24 get the record as they get it. So let's do it with this in  
25 mind.

1 MR. BRAFMAN: Just so the 17th Floor recognizes that  
2 I am not pleading guilty to any of this.

3 THE COURT: I'm sure they recognize that, sir.

4 MR. BRAFMAN: Thank you, Your Honor.

5 This is the defendant's allocution, who is sitting  
6 beside me: "In between 2005 and 2011, within the Southern  
7 District of Florida and elsewhere, I agreed with others to  
8 purchase tickets to the 2006 and 2010 FIFA World Cups, and  
9 resell at a substantial profit. In 2006, I purchased the  
10 tickets directly from FIFA, and I misled FIFA to believe that  
11 my partner in reselling the tickets was not involved in the  
12 transaction, because I believe that FIFA would not have sold  
13 them to me had he been involved.

14 In 2010, I purchased tickets from others, in order  
15 to mislead FIFA to believe that I was not receiving tickets,  
16 because I believed that FIFA would no longer sell tickets  
17 directly to me. In furtherance of this agreement, I sent and  
18 received emails across state and international lines.

19 In between 2005 and 2011, within the Southern  
20 District of Florida and elsewhere, I agreed with others to  
21 complete wire transfers from the United States to and through  
22 a place outside of the United States, to further and promote  
23 the previously-mentioned fraud to resell tickets to the 2006  
24 and 2010 World Cups.

25 In between July 2011 and December 2011, in Queens,

1 New York, and other places, I deposited cash into domestic  
2 banks in amounts less than \$10,000 to avoid the banks filing  
3 the requisite reports for cash deposits in excess of \$10,000.  
4 I was aware that the banks were obligated to report currency  
5 transactions in excess of \$10,000, and I made the deposits in  
6 smaller amounts to evade this requirement. I made the  
7 deposits and violated the law as part of a pattern of illegal  
8 activity involving more than \$100,000 within the July 2011 to  
9 December 2011 period."

10 That completes the allocution, Your Honor, and we  
11 would be prepared to hand up the written printed paper that we  
12 read from, and have it marked as an exhibit.

13 THE COURT: Before you do that, sir --

14 Mr. Doe, is that, in fact, your allocution?

15 THE DEFENDANT: Yes, it is, Your Honor.

16 THE COURT: Okay. I'm going to ask you to initial  
17 that piece of paper and to date it today's date, which is  
18 October the 18th, 2013.

19 And what's the next exhibit number? Is that number  
20 eight?

21 THE CLERK: Eight, Judge.

22 THE COURT: All right. We'll mark that as Court  
23 Exhibit Number 8. Would you show it to the prosecution and  
24 see if they have any objection to it being marked as an  
25 exhibit under seal and in evidence?

1 MR. BRAFMAN: (Complies.)

2 Any objection?

3 MR. LAVERNE: I do not have an objection, Your  
4 Honor.

5 THE COURT: All right. It is admitted into evidence  
6 as Court Exhibit 8, under seal, and it is a statement of  
7 Mr. Doe.

8 All right. The Court finds, based on the  
9 information provided to this Court, that the defendant is  
10 acting voluntarily, that he fully understands the charges,  
11 that he fully understands his rights, and he fully understands  
12 the consequences of his plea.

13 The Court further finds that there is, moreover, a  
14 factual basis for the plea. I therefore accept the plea of  
15 guilty as to Count 1, Count 2 and Count 3 of the Information.

16 MR. LAVERNE: Your Honor, I'm sorry to interrupt  
17 again.

18 THE COURT: That's all right.

19 MR. LAVERNE: I could be wrong, but I believe we  
20 started with his plea to Count 1, which we received with the  
21 expectation as Your Honor suggested of going through the  
22 allocution with respect to each count. We then had an  
23 allocution to all three counts, but I'm not sure if we had  
24 actually him plead guilty to Counts 2 and 3.

25 MR. BRAFMAN: Your Honor, I think the record will

1 reflect that he said the word "guilty" three separate times.  
2 I have it in my notes.

3 THE COURT: He did, but that's okay. I like to do  
4 belt and suspenders. I heard him say it three times. You  
5 heard him say it three times. The prosecutor didn't hear him  
6 say it three times. So let's do it again.

7 MR. LAVERNE: Thank you.

8 THE COURT: Sir, did you plead guilty with respect  
9 to Count 1?

10 THE DEFENDANT: Yes, Your Honor.

11 THE COURT: Sir, did you plead guilty with respect  
12 to Count 2?

13 THE DEFENDANT: Yes, Your Honor.

14 THE COURT: Sir, did you plead guilty with respect  
15 to Count 3?

16 THE DEFENDANT: Yes, Your Honor.

17 THE COURT: And when I say "Counts," I'm referring  
18 to the Counts of the Information, is that correct?

19 THE DEFENDANT: Yes, Your Honor.

20 THE COURT: All right.

21 Anything else?

22 MR. LAVERNE: Thank you, Your Honor.

23 THE COURT: Okay. I accept the pleas of guilty to  
24 Count 1, to Count 2, and to Count 3 of the Information from  
25 the defendant, John Doe.

1           Is there a bail application?

2           MR. LAVERNE: Your Honor, I'm not aware of any  
3 application. I think the parties both agree that the current  
4 bail conditions, which include a substantial cash amount  
5 deposited with the clerk and the security of other property --  
6 of other automobiles in this case is sufficient, and that bail  
7 should be continued under those terms.

8           THE COURT: Any objection to that?

9           MR. BRAFMAN: No, Your Honor.

10          THE COURT: All right. Then bail is continued on  
11 the terms and conditions under which it currently exists.

12          I hereby order the Probation Department to set an  
13 appropriate date for sentencing, in consultation with this  
14 Court.

15          Is there anything further that either counsel or the  
16 defendant wishes to state to the Court today?

17          MR. BRAFMAN: Yes, Your Honor, on the question of  
18 sentencing, sir?

19          THE COURT: Yes?

20          MR. BRAFMAN: We would ask that the Probation  
21 Department not begin trying to prepare a report at this time.  
22 It's anticipated that sentencing in this case may be delayed  
23 for a significant period on consent of the defendant, so that  
24 he can comply with the terms of his Cooperation Agreement.

25          I think if Probation were to begin now, it would be

1 very premature and perhaps almost impossible, given the nature  
2 of the investigation. I think the Government would consent to  
3 the application.

4 MR. LAVERNE: We have no objection to holding the  
5 PSR in abeyance at this time.

6 THE COURT: I certainly have no objection to your  
7 making a request of Probation that they hold the preparation  
8 of the PSR in abeyance. My experience is that they've got  
9 lots on their plate --

10 MR. BRAFMAN: That's correct.

11 THE COURT: -- and it's not likely that they're  
12 about to zoom ahead with this, in light of where we are in the  
13 real world on this.

14 I can understand your concerns as to theoretical  
15 matters, but I think even post-Government shutdown, in the  
16 world of the sequester and everything else going on, I  
17 wouldn't worry about that.

18 MR. BRAFMAN: Thank you, sir.

19 THE COURT: I thank you.

20 MR. LAVERNE: Thank you very much.

21 THE COURT: Anything else I can help you gentlemen  
22 with today?

23 MR. BRAFMAN: No. Thank you for your patience, sir.

24 THE COURT: All right. I thank you for your  
25 patience and your time. All right. We are adjourned.

1 MR. NORRIS: Thank you, Your Honor.

2 MR. LAVERNE: Thank you.

3 (Sentencing concluded.)

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